

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7628

Joint Petition of Green Mountain Power Corporation,)
Vermont Electric Cooperative, Inc., and Vermont)
Electric Power Company, Inc. for a certificate of public)
good, pursuant to 30 V.S.A. Section 248, to construct up)
to a 63 MW wind electric generation facility and)
associated facilities on Lowell Mountain in Lowell,)
Vermont, and the installation or upgrade of)
approximately 16.9 miles of transmission line and)
associated substations in Lowell, Westfield and Jay,)
Vermont)

Order entered: 12/16/2011

ORDER RE LEASE COMPLIANCE FILINGS

INTRODUCTION

On May 31, 2011, the Public Service Board ("Board") issued an Order (the "Order") and Certificate of Public Good ("CPG") in this docket approving, subject to certain conditions, the construction and operation of the proposed wind electric generating facility. Condition 14 of the CPG required the Petitioners to file for Board review and approval any executed lease agreements with involved landowners.

On November 14, 2011, Green Mountain Power Corporation ("GMP") filed the following in response to Condition 14:

1. Windpark Lease and Easement Agreement by and between (1) Nathan and Tucker Corrow, (2) Douglas Corrow, (3) Jeffrey Brown, and (4) Gary Dubuque as Lessors, and GMP as Lessee dated February 15, 2010;
2. Ratification and Amendment of Windpark Lease and Easement Agreement by and between (1) Nathan and Tucker Corrow, (2) Douglas Corrow, (3) Jeffrey Brown, and (4) Gary Dubuque as Lessors, and GMP as Lessee dated August 23, 2011;
3. Wind Farm Easement Agreement by and between Wind Blown Energy LLC as Grantor, and GMP as Grantee, dated January 29, 2010;

4. Ratification and Amendment of Wind Farm Easement Agreement by and between Wind Blown Energy LLC as Grantor, and GMP as Grantee, dated July 29, 2011;
5. Windpark Lease and Easement Agreement by and between Peter B. Mygatt and Deborah H. Mygatt as to Parcel 1, and Peter B. Mygatt as to Parcel 2 as Lessors, and GMP as Lessee dated April 9, 2010;
6. Wind Farm Neighbor Easement Agreement by and between Peter B. Mygatt and Deborah H. Mygatt as to Parcel 1, and Peter B. Mygatt as to Parcel 2 as Lessors, and GMP as Lessee effective April 9, 2010;
7. Memorandum of Amendment of Windpark Lease and Easement Agreement and Wind Farm Neighbor Easement Agreement by and between Peter B. Mygatt and Deborah H. Mygatt as to Parcel 1, and Peter B. Mygatt as to Parcel 2 as Lessors, and GMP as Lessee dated effective August 5, 2011;
8. Wind Farm Easement Agreement by and between Moose Mountain Wind, LLC as Grantor, and GMP as Grantee dated July 30, 2009;
9. Amendment of Wind Farm Easement Agreement by and between Moose Mountain Wind, LLC as Grantor, and GMP as Grantee dated effective November 30, 2010; and,
10. Amendment of Wind Farm Easement Agreement by and between Moose Mountain Wind, LLC as Grantor, and GMP as Grantee dated effective August 10, 2011.¹

On November 30, 2011, GMP filed the following additional documents in response to Condition 14:

1. Amendment of Windpark Lease and Easement Agreement and Wind Farm Neighbor Easement Agreement by and between Peter B. Mygatt and Deborah H. Mygatt as to Parcel 1, and Peter B. Mygatt as to Parcel 2 as Lessors, and GMP as Lessee dated August 5, 2011; and,
2. Agreement re: Windpark Lease and Easement Agreement by and between Peter B. Mygatt and Deborah H. Mygatt as to Parcel 1, and Peter B. Mygatt as to Parcel 2 as Lessors, and GMP as Lessee dated August 5, 2011.

1. GMP also included in its November 14, 2011, filing a Motion for Confidential Treatment requesting confidential treatment of certain allegedly confidential business information contained in a number of the agreements. That request will be addressed in a separate order.

This Order refers to the 12 different documents filed by GMP in response to Condition 14 as the "Agreements." In this Order we approve the Agreements for the purposes of Condition 14 for the reasons discussed below.

DISCUSSION

Condition 14 of the CPG states:

GMP shall submit to the Board, for review and approval, any executed lease agreements with involved private landowners. Any such lease agreements may be redacted to protect confidential business information. At a minimum, such lease agreements shall contain provisions which ensure that decommissioning can effectively occur in the event of GMP's insolvency or dissolution, the revocation of any permit issued to GMP, GMP's breach of any lease, or an order of the Board requiring decommissioning, and allow access to the impacted land for purposes of fulfilling any CPG condition, including access by representatives of the Vermont Department of Public Service ("Department"), the Board, and ANR. Upon approval by the Board, a notice of leasehold interest for each lease agreement shall be recorded in the land records of the relevant municipality.

The Board's primary purpose in requiring GMP to file any executed leases covering project lands was to ensure that relevant state officials would have access to the project site to enforce any of the conditions imposed in the CPG, and to ensure that project decommissioning could commence in a timely fashion when required if GMP was unable or unwilling to do so at that time. We have reviewed the various Agreements filed by GMP and conclude that they are sufficient to meet that purpose. Accordingly, the Agreements are approved for the purposes of Condition 14. Our review and approval under Condition 14 is limited to the issue of access by relevant state officials and does not constitute review and approval of any other term or condition of the Agreements.

CONCLUSION

For the foregoing reasons, and limited as described above, the Agreements are approved for the purposes of Condition 14.

SO ORDERED.

Dated at Montpelier, Vermont, this 16th day of December, 2011.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 16, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.